



KEY POINTS
2013 General Assembly Session

House Bill: HB 1828

Patrons: Delegate Villanueva

Short Title: Authority to Hold Title to Land for Rail Lines

Summary:

Amends §§ 33.1-391.4 and 33.1-391.5 to authorize the Department of Rail and Public Transportation to hold title to land for rail lines.

Talking Points:

- In 2011, the Virginia Supreme Court ruled that DRPT providing funding for rail infrastructure projects to a private rail road did not violate the internal improvements clause of the Virginia Constitution.
- The internal improvements clause is a long-standing prohibition on the Commonwealth funding projects such as canals, rail, and turnpike projects. An exception for highway projects was put in place in the early 1900's.
- In 2004, DRPT executed Rail Enhancement Fund grant to help fund a portion of the costs of building a new intermodal facility.
- In the Court's decision, it recognized that, because rail improvements are integral components of reducing congestion along the Commonwealth's highways, rail projects do not violate the Constitution and fall within the highways exception to the internal improvements clause.
- This proposal codifies the findings of this decision to authorize DRPT to hold title to land for constructing rail infrastructure and recognizes the importance of rail and transit in reducing congestion along Virginia's highways.
- This new authority will better enable DRPT to improve rail infrastructure and thereby alleviate congestion on the Commonwealth's highways.
- It WILL NOT enable DRPT to compete with passenger and freight rail providers, as DRPT lacks the authority to actually operate rail and transit facilities. Instead DRPT's role is limited to the development, planning, funding, and constructing of rail and transit facilities.

FAQ:

What is the fiscal impact of this legislation?

- There is no fiscal impact.

What is the anticipated opposition to this bill?

- There should be no opposition to this legislation.
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KEY POINTS

2013 General Assembly Session

House Bill: HB 1855

Patrons: Delegate Knight

Short Title: DOAV FOIA Protections

Summary:

Amend §§ 2.2-3705.6 and 2.2-3705.7 to eliminate a loophole and ensure that proprietary information which is exempt from FOIA for certain agencies of the Commonwealth is also exempt for the Department of Aviation.

Talking Points:

- Currently, the Virginia Economic Development Partnership, the State Police, and the Department of Corrections all enjoy FOIA protections for flight manifests. However, the Department of Aviation (DOAV) is not exempt from providing this information.
- In other words, citizens and media outlets can obtain information from DOAV that they could not obtain from these agencies.
- DOAV provides federal and state grants and aid to airports throughout Virginia. Frequently, in applying for grants and aid, airports must provide proprietary financial and other information that if made public could damage an airport's competitiveness.
- This information is currently not protected from FOIA for the DOAV.
- This legislation closes the loophole that allows the DOAV to serve as a clearinghouse for information otherwise protected from FOIA.
- It also ensures that confidential information provided by Virginia's airports is not subject to FOIA.

FAQ:

What is the fiscal impact of this legislation?

- There is no fiscal impact.

What is the anticipated opposition to this bill?

- There should be limited if any opposition. This legislation does not create new FOIA exemptions. It simply extends existing exemptions to the DOAV.
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KEY POINTS
2013 General Assembly Session

House Bill: HB 2024	Senate Bill:	SB 1218
Patrons: Delegate May	Patrons:	Senator Newman
Short Title: Omnibus DMV Customer Service		

Summary:

Amends numerous sections of the Code to improve DMV customer service by: creating a new automated payment process for DMV fees; codifying DMV's practice of granting a one-time, one-month registration extension for vehicle emissions inspections; enabling vehicle owners to temporarily deactivate a vehicle's registration while legally retaining possession of the license plates; and, enabling the Commissioner to waive testing requirements for a motorcycle classification for service members stationed in Virginia who have met the requirements elsewhere.

Talking Points:

- Many businesses and governmental entities allow individuals to sign up for the automatic payment of fees and other charges by credit card or bank draft. This proposal would authorize DMV to set up a new automatic payments process.
 - Customers would have to elect to pay automatically, and they would be notified in advance of a pending payment.
 - The Commissioner will be authorized to procure a third party vendor to ensure that customers' financial information is protected.
- DMV's long-standing practice of allowing a one-time, one-month registration extension for unexpired registrations that still need an emission inspection was thought to originate with an MOU between DMV and DEQ; however, no such MOU has been found. This proposal codifies this practice, and imposes a \$10 fee for the extension.
- Vehicle owners who cancel their insurance are required under § 46.2-707 to surrender their license plates. However, some vehicles owners – such as motorcycles or other vehicles that are only operated for part of the year – would benefit from a process that enables them to temporarily cancel their insurance but retain their plates. This proposal creates such a project, subject to a \$10 reactivation fee.
- Section 46.2-337 requires an applicant for a motorcycle classification to complete a written examination and a road test, both administered by DMV.
 - There are several instances in which an exemption or waiver can be provided; however, no exemption exists for service members stationed in Virginia who hold a Virginia driver's license and have completed a basic motorcycle rider safety course approved by the military.
 - This legislation authorizes the Commissioner to waive the testing requirements, as well as issue a temporary classification if a service member has a Virginia license and provides proof of that he has completed a safety course.



- The legislation also makes a technical clarification to enable the Commissioner to provide batch data concerning vehicle titles to the National Motor Vehicle Title Information System.

FAQ:

What is the fiscal impact of this legislation?

There is a one-time expenditure impact of \$280,500 for developing the IT systems necessary to support the provisions of the legislation, as well as ongoing expenditures of \$100,000 per year beginning in FY 2015 for a third-party vendor to provide secure data storage of customer financial information used in the automatic payment process.

There is a revenue impact of \$100,000 in estimated additional revenue to DMV from the \$10 fee for extending the registration period of vehicles that need an emissions inspection. In calendar years 2010 and 2011, DMV averaged approximately 12,000 extensions per year for such vehicles. It is likely, however, that in some instances these vehicles' registrations were also blocked because of unpaid obligations to a locality, and in such cases there would be no further extension or additional fee to collect under the provisions of this legislation. Moreover, it is likely that the disincentive of a \$10 administrative fee will reduce demand for extensions from current levels. The estimated revenue impact of \$100,000 is therefore based on 10,000 vehicles per year paying the \$10 fee, not 12,000 vehicles. The revenue impact also includes \$100,000 in estimated additional revenue to DMV from the \$10 fee for reactivation of deactivated registration. This figure represents a preliminary best guess of the likely impact, which is expected to be small in any event.

What is the anticipated opposition to this bill?

- There is no known opposition to this proposal.
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KEY POINTS
2013 General Assembly Session

House Bill: HB 2040

Patrons: Delegate Comstock

Short Title: Extend Deadline for Quiet Pavement Technology Study

Summary:

Amend § 33.1-223.2:21 to extend the deadline for the final report on quiet pavement technologies from June 30, 2013, until June 30, 2015.

Talking Points:

- Section 33.1-223.2:21 of the Code requires VDOT to undertake an assessment of quiet pavement technology as a noise mitigation strategy.
- VDOT is currently testing this new technology at several locations throughout Virginia to determine whether it would serve as an effective method for mitigating noise.
- An interim report was produced during 2012, and the final report is currently due by June 30, 2013.
- This proposal extends that deadline until June 30, 2015.
- At this time, there is insufficient data available to effectively make a determination on the long-term benefits or costs of quiet pavement technology as a noise mitigation method.
 - Virginia's unusually mild winter the past year did not provide an accurate picture of the interaction of the new technology with Virginia's typical winter climate.
 - There is not yet enough data relating to long-term maintenance requirements and costs compared to traditional pavement types.
- Additionally, the National Center for Asphalt Technology is current undertaking its own review of quiet pavement technologies. This review will compare data from several states and provide a better picture of the long-term material life of quiet pavement. Results of this review will not be available until late 2014 at the earliest.
- Prior to making a recommendation on implementing quiet pavement technologies, the Department needs additional information regarding the long-term performance and costs associated with these technologies, as well as performance and sustainability during typical Virginia winters.

FAQ:

What is the fiscal impact of this legislation?

- There is no fiscal impact.



KEY POINTS
2013 General Assembly Session

House Bill: HB 2077	Senate Bill: SB 1219
Patrons: Delegate J. Cox	Patrons: Senator Newman
Short Title: Omnibus DMV Motor Carrier Legislation	

Summary:

The Department of Motor Vehicles is charged with administering and enforcing Virginia's laws regarding all types of motor carriers. This proposal amends Title 46.2 to address a number of issues related to motor carriers to improve the safety of the traveling public and ensure continued compliance with state and federal licensing requirements. The Federal Motor Carrier Safety Administration has recently issued a number of new directives with which the Commonwealth must comply.

Talking Points:

The proposal amends numerous sections of Title 46.2 to improve safety and conform Virginia law to approximately 19 different areas of the Federal Motor Carrier Safety Administration (FMCSA) regulations.

- Current Virginia law authorizes DMV to assess fitness, including a criminal background check at the point of initial application, but contains no provisions for re-assessment of any possible criminal violations once a certificate has been issued.
 - Amends §§ 19.2-389, 46.2-2001.3 and 46.2-2108.4 to allow DMV criminal background and other records checks after issuance of the certificate to ensure continued compliance with certificate requirements.
- There is also no requirement for motor carriers to maintain fitness requirements once a certificate is granted, nor to allow DMV to suspend or revoke a current licensee's operating authority if those requirements are not maintained.
 - Amends §§ 46.2-2011.4 and 46.2-2133 to specify that failure to maintain the fitness requirements is grounds for suspension or revocation of operating authority under a certificate of fitness or public convenience and necessity.
- Intrastate for-hire motor carriers transporting property or passengers are subject to a performance bond. The bond is \$25,000 for passenger carriers for the first three years, and \$50,000 for property carriers for the first five years. The statutes are silent, however, on when the performance bond is required to be paid.
 - Many applicants are unable to secure a bond, so statutorily requiring the bond to be paid at the time of application would reduce the costs and staff time associated with processing applications that will not ultimately be approved.
- Applicants for operating authority are required to certify that their established place of business meets all local zoning ordinances; however, once authority is granted, they are only required to notify DMV of a change of address.



- Amend the Code to require that intrastate passenger motor carriers recertify compliance if it relocates its place of business.
 - The legislation also clarifies that each violation of the licensure requirements is individually subject to a \$1,000 civil penalty.
 - Current requirements regarding the display of the name and address of a vehicle owner are silent on situations where a vehicle being operated is leased from another carrier or business. In instances where this information is not displayed, it presents difficulties for law enforcement and the public.
 - Amends § 46.2-1076 to specify that vehicles leased to intrastate for-hire motor carriers must display the legal or trade name of the carrier that has actual operational control over the vehicle.
 - While for-hire transportation providers are required to be licensed, DMV is aware of instances where operators choose to conduct business without the proper licensing.
 - Imposes a 12-month ban on the issuance of a license, certificate or permit to any motor carrier convicted or assessed for operating without proper authority.
 - Carriers would have the right of appeal and a hearing before a ban is implemented, and the new penalty will have a delayed enactment so DMV can work with existing non-compliant carriers to bring them into compliance.
 - Brokers of motor carrier services are prohibited from employing or contracting with motor carriers to provide those services if the carrier does not hold a valid permit, but not all brokers comply. This proposal requires brokers to obtain and maintain a copy of a carrier's certificate.
 - The proposal implements a number of changes regarding CDL standards for license and permit holders and third party testing to conform the Code to recently enacted changes to the FMCSA regulations.
 - The proposal also imposes a prohibition on texting while operating a commercial motor vehicle. This is a federal mandate.
 - **If Virginia does not comply, it could result in a reduction of our annual federal transportation allocation.**
 - **Further, non-compliance could result in the loss of authority to issue CDLs, which would impact the livelihoods of some 220,000 CDL holders in Virginia.**
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FAQ:

What is the fiscal impact of this legislation?

- There is a onetime expenditure impact of \$240,775 to implement new IT systems to comply with the federal changes. These expenditures are typically reimbursed by the FMCSA.

What is the anticipated opposition to this bill?

- DMV reached out to a number of stakeholders, none of whom expressed opposition.
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KEY POINTS
2013 General Assembly Session

House Bill: HB 2105

Patrons: Delegate Villanueva

Short Title: MAP-21 Conformity

Summary:

Amend §§ 33.1-348 and 33.1-351 relating to junkyards and outdoor advertising along highways on the National Highway System. These amendments are necessary to bring required conformity between the Code of Virginia and the recently enacted changes to federal law.

Talking Points:

- The new federal surface transportation authorization bill - MAP-21 (NHS) – became effective on October 1, 2012.
 - MAP-21 expanded the definition of the National Highway System to include the Interstate System, the federal-aid primary system, and highways that are designated and approved by the U.S. Secretary of Transportation.
 - As a result of MAP-21, a state must now provide for effective control of junkyards located along highways of the National Highway System.
 - Effective control, as defined by 23 U.S.C. 136(c), means that junkyards must be screened by natural objects, plantings, fences, or other appropriate means so that it is not visible from the main travel way of the system or must be removed from sight.
 - The penalty for not providing for effective control of junkyards is 7 percent of a state's federal highway apportionment for the National Highway Performance Program, the Surface Transportation Program, the Highway Safety Improvement Program, the Congestion Mitigation and Air Quality Improvement Program (CMAQ), and Metropolitan Planning.
 - Additionally, states continue to be required to provide for effective control of outdoor advertising along highways on the NHS, including the additions to the NHS as a result of MAP-21. The penalty for non-compliance with the requirements for outdoor advertising is 10 percent of state's federal highway apportionment.
 - This proposal conforms the Code to the new federal laws so as not to jeopardize Virginia's federal transportation funding.
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FAQ:

What is the fiscal impact of this legislation?

- There is no fiscal impact.

What is the anticipated opposition to this bill?

- Some junkyard owners could potentially oppose the legislation because of the additional requirements. However, non-compliance would jeopardize a significant portion of Virginia's annual federal transportation allocation.
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KEY POINTS
2013 General Assembly Session

House Bill: HB 2106

Senate Bill:

SB 1200

Patrons: Delegate Villanueva

Patrons:

Senator Smith

Short Title: Compliance with Recent Changes to the MUTCD

Summary:

Amend Title 46.2 of the Code by standardizing certain terms and their usage and by incorporating language authorizing or clarifying the use and meaning of new traffic control devices. This legislation is necessary to conform the Code to recently enacted changes to the federally mandated Manual on Uniform Traffic Control Devices.

Talking Points:

- The Federal Highway Administration adopted a new *Manual on Uniform Traffic Control Devices* (MUTCD) with an effective date of January 15, 2010.
- The MUTCD defines the standards used across the country to install and maintain traffic control devices on all public streets, highways, bikeways, and private roads open to public traffic.
- On December 7, 2011, the Commonwealth Transportation Board adopted the revised MUTCD, the Virginia Supplement to the 2009 MUTCD, and the Virginia Work Area Protection Manual. These three documents contain the standards, guidance, options, and support for the design, application, and placement of traffic control devices on all roadways maintained by VDOT.
- If VDOT is not in substantial conformance with the standards set out in the MUTCD, under federal law, Virginia may be deemed ineligible to receive certain federal funds related to highway safety programs.
- This proposal amends the Code to comply with the MUTCD.
- Implementation of these amendments will:
 - Ensure that the Commonwealth's traffic laws are in compliance with current standards including the use of the standardized term "traffic control devices" and "circular intersections," the recognition of authorized flaggers and the requirement for drivers to obey flaggers, the use of double solid white lines, and the use of yield rather than stop lines;
 - Provide clearer and more consistent guidance to state and local officials with regard to new traffic control devices or signals; and
 - Recognize implementation of new flashing yellow and red arrows.

FAQ:

What is the fiscal impact of this legislation?

- There is no fiscal impact.
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Agency Contact: Rick Walton

Email: Richard.Walton@vdot.virginia.gov

Cell: (804) 786-2703

Cabinet Secretary Contact: Matt Strader

Email: Matt.Strader@governor.virginia.gov

Cell: (804) 381-1857



KEY POINTS
2013 General Assembly Session

House Bill: HB 2152	Senate Bill: SB 1210
Patrons: Delegate Anderson	Patrons: Senator Stuart
Short Title: Commonwealth Representation on Transportation District Commissions	

Summary:

Amends §§ 15.2-4507 and 15.2-4512 regarding representation on transportation district commissions to ensure that the Commonwealth's representative is granted full voting privileges and weight.

Talking Points:

- Section 15.2-4507 of the Code sets forth the membership requirements for various transportation district commissions.
- Section 15.2-4512 deals with quorums and requirements for a commission to take action.
- Each commission is to include the Secretary of Transportation or his designee who shall be ex officio with voting privileges.
- On some transportation district commissions, voting is weighted based on a jurisdiction's financial contributions, and in some cases, the Secretary or his designee's vote is not counted or given the full weight of a component government, despite significant financial contributions from the state.
- For instance, currently the Secretary or his designee is not counted for the purposes of a quorum. Another example is the VRE operations board, where, while the state's representatives vote is counted, it is not given any weight and cannot break a tie because the state is not considered a component government.
- Other than fare box revenues, which are generated by customers, not local governments, the Commonwealth is the single largest contributor to many commissions. For VRE, the Commonwealth contributes 32% of total system costs. For the Virginia share of WMATA, the Commonwealth contributes \$150 million per year, as compared to \$119 million per year from the local governments. For PRTC, the Commonwealth contributes 30% of total system costs.
- Given this level of financial commitment, Virginia's representation should be given equal voting privileges on all matters before a transportation district commission.

FAQ:

What is the fiscal impact of this legislation?

- There is no fiscal impact.

What is the anticipated opposition to this bill?

- It can be expected that several of the transportation district commissions will oppose this legislation.
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KEY POINTS
2013 General Assembly Session

House Bill: HB 2186

Patrons: Delegate Dudenhefer

Short Title: Keene Area Headquarters Land Transfer

Summary:

Special legislation authorizing the Virginia Department of Transportation to transfer a portion of land at the Keene Area Headquarters to a private landowner in return for a parcel of land more suitable for a new septic system.

Talking Points:

- The septic system at the Keene Area Headquarters is failing and there is not a suitable tract of land on the property for a new system.
 - The neighboring landowner, the Wachtmeisters, have agreed to exchange a section of their property for the VDOT property.
 - The necessary paperwork required for final signature and approval of the land exchange was completed in late 2010/early 2011.
 - However, based on existing statutory provisions, such an exchange is not contemplated or authorized. Under the existing requirements, there is no guarantee that the adjacent landowners would acquire the property.
 - This legislation will authorize the Department to make a one-time direct exchange of the two parcels.
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FAQ:

What is the fiscal impact of this legislation?

- There is no fiscal impact.

What is the anticipated opposition to this bill?

- There could be some opposition to special legislation. However, because the exchange provides significant benefit to both the public and VDOT, the OAG has advised that the proposal meets the requirements for special legislation.